

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) No. CR 2011-00359  
)  
David Fisk, )  
Yelm, Washington, ) **NOTICE OF ADMINISTRATIVE**  
) **CHARGES AND OPPORTUNITY FOR**  
Class III Employee. ) **AN ADJUDICATIVE PROCEEDING**  
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I.

The Washington State Gambling Commission issued David Fisk the following certification:<sup>1</sup>  
Number 69-12204, authorizing Class III Employee activity, formerly with Red Wind Casino.  
The certification expires on December 27, 2011, and was issued subject to the Class III  
Employee's compliance with state gambling laws and rules and the Nisqually Tribal/State  
Compact.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the Class III  
Employee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW,  
and WAC Title 230:

- On December 23, December 30, and December 31 of 2010, and on January 1, January 5,  
January 6, January 7, and January 8 of 2011, the Class III Employee, while working as a  
craps dealer at Red Wind Casino, intentionally placed "free bets"<sup>2</sup>, and failed to collect  
losing bets. This caused the casino to lose money in the amount of approximately  
\$10,000. Nisqually Tribal Gaming Agents observed on surveillance video the Class III  
Employee improperly set up and collect patrons' bets. Mr. Fisk admitted granting favors  
to patrons and giving "free money" to guests to gamble. Mr. Fisk provided a written  
statement admitting that he regrets his actions.
- Under RCW 9.46.190, the Class III Employee's actions defrauded his employer and  
demonstrate that he poses a threat to the effective regulation of gambling, or creates or  
increases the likelihood of unfair or illegal practices, methods, and activities in the  
conduct of gambling activities.

<sup>1</sup> The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow  
similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked  
card rooms. Class III Employees may transfer their certifications to a CRE license and work at commercial card  
rooms by sending Commission staff a transfer form and the accompanying fee.

<sup>2</sup> Bets made to benefit the patron with casino "house" money, and not the patron's money.

- On January 12, 2011, the Nisqually Tribal Gaming Commission suspended the Class III Employee's Tribal Gaming License. On January 25, 2011, Mr. Fisk withdrew his request for a hearing on the tribal suspension. Mr. Fisk's license was formally revoked by the Nisqually Tribal Gaming Commission on February 14, 2011. As a result the Class III Employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- The Nisqually Tribal Gaming Commission determined that the Class III Employee committed Cheating in the First Degree by giving "free money" to guests to gamble with.

Therefore, under Section V. C. (1) and (3) of the Nisqually Tribal/State Compact, RCW 9.46.075 (1), (2), and (8), RCW 9.46.190 (1) and (3), RCW 9.46.153 (1), and WAC 230-03-085 (1) and (8), grounds exist to revoke David Fisk's certification.

**Section V. C of the Nisqually/State Compact** states:

The State Gaming Agency may revoke, suspend or deny a State Certification for any reason or reasons it deems to be in the public interest.

(1) The State Gaming Agency may revoke if a person whose prior activities, reputation and associations pose a threat to the effective regulation of gambling.

(3) The State Gaming Agency may revoke if the licensee has had a Tribal license revoked in the past twelve months.

**RCW 9.46.075 Denial, suspension, or revocation of certification, application, or permit**

The Commission may deny an application, or suspend or revoke any certification or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or Class III Employee, or any person with any interest therein:

(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter;

**WAC 230-03-085 Denying, suspending, or revoking an application, certification or permit**

(The following subsections apply.)

We may deny, suspend, or revoke any application, certification or permit, when the applicant, Class III Employee, or anyone holding a substantial interest in the applicant's or Class III Employee's business or organization:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking certifications or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.190 Violations relating to fraud or deceit**

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

- (1) Employ any device, scheme, or artifice to defraud; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

**RCW 9.46.153 Applicants and Class III Employees Responsibilities and duties**

(The following subsections apply.)

- (1) It shall be the affirmative responsibility of each applicant and Class III Employee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the certified activity will be conducted;

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III.

Jurisdiction of this proceeding is based on Nisqually Tribal/State Compact, 9.46 RCW, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The Class III Employee will have the opportunity to have a hearing on the alleged violations.

**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your certification.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )


Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

  
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RICK DAY, DIRECTOR

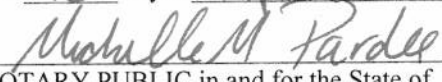
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 13 day of April, 2011

  
Communications and Legal Department  
Washington State Gambling Commission

SUBSCRIBED AND SWORN TO before me  
this 13 day of April, 2011.

  
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NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My Commission expires on 6/16/2013

